PROCEEDINGS OF
THE KERALA LEGISLATIVE ASSEMBLY

First Session—1970

(II Meeting)

Friday, the 20th March, 1970.

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The Assembly met in the Assembly Chamber, Trivandrum, at Eight of the Clock on Monday, the 20th March, 1970, with Mr. Speaker in the Chair.

RULING

Procedure regarding moving of a Motion of Confidence

Mr. Speaker: Order, Order.

Before taking up the motion given notice of by Shri C. Achutha Menon Chief Minister, seeking Vote of Confidence in the Council of Ministers headed by him, I would like to give a ruling, as I had promised earlier, on the procedure to be followed when demanding Vote of Confidence in the Government.

The Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly have not laid down any definite procedure for seeking Vote of Confidence. Similarly, the Rules of Procedure and Conduct of Business in the Lok Sabha, from which we have generously borrowed many provisions, also do not specify the procedural requirements to be observed for a Motion of Confidence. Erskine May's celebrated work on Parliamentary Practice, also does not offer any guidance in this matter.

However, the solemn demand for a formal Vote of Confidence has long been accepted to be a thoroughly normal, constitutional and democratic method, not only for sustaining a Government but also for renewing and reassuring the support of the House to the Policies pursued by the Government. There have been occasions in the long and variegated parliamentary history of United Kingdom, in which the Prime Ministers of

the day, have asked to be sustained by Vote of Confidence from the House of Commons. For instance, in 1850 when the House of Lords passed a Motion of Censure against the Government, the Ministry obtained a Vote of Confidence in the House of Commons, which has been cited as an instance of the constitutional ineffectiveness of a Motion of Censure from the Upper House. On January 27, 1942, Sir Winston Churchill asked for a Vote of Confidence in His Majesty's Government and for the support of the House of Commons for the vigorous prosecution of the war. The demand for vote of Confidence, was put on the Order Paper on January 27, but was moved only on the next day. Asking for Vote of Confidence from the House of Commons, the Prime Minister reassuringly told the Members that any member will be free to say anything he thinks fit about or against the administration or against the position or personalities of the Government, to his heart's content" After three days of debate, the House divided and the motion was carried by 464 votes to 1.

From the previous records of our Legislative Assembly, it is seen that there had been two instances in which motions seeking Vote of Confidence had been moved and discussed. On September 22, 1953 Shri A. J. John, Chief Minister moved a Motion of Confidence in the Travancore-Cochin Legislative Assembly. The Motion was given notice on September 18, 1953 and there is no indication to show that leave to move the motion was either sought or granted. Again in 1954, my esteemed friend Shri Joseph Chazhicattu, who was then an independent member moved a motion on August 2, for which notice was given on the previous day, expressing confidence in the Ministry headed by Shri Pattom Thanu Pillai. The above motions were sought to be moved under Rule 43 of the Rules and Standing Orders of the Travancore-Cochin Legislative Assembly. The above rule related to 'discussion on matters of general public importance otherwise than as a resolution.

From the above isolated pieces of precedential dicta scattered over the past records of proceeding we do not get much guidance to proceed with the task of formulating the procedural requirements for seeking a Vote of Confidence in the Government.

It might seem that the procedure laid down in Rule 62 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly for a motion expressing want of confidence in the Council of Ministers could as well be made applicable in the case of a motion seeking Vote of confidence. But on closer analysis, it would become quite evident that the apparent similarity in the objectives of the two motions, does not afford sufficient justification for the adoption of identical procedure for them.

A member asking for leave to move a motion of no-confidence against the Council of Ministers, must leave with the Secretary a written notice of the motion three clear days before the date on which he proposed to move it. If the Speaker is of the opinion that the motion is in order, he would read the motion to the Assembly and would request those members who are in favour

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of leave being granted to rise in their places and if not less than twenty members rise, the Speaker would declare that the leave is granted. The motion would be taken on such day, not being more than 10 days from the date on which leave is asked for, as he might appoint. If less than twenty members rise the Speaker could inform that the member has not the leave of the Assembly.

The adoption of the above procedure is evidently, inappropriate in the case of a motion seeking Vote of Confidence in the Government. The requirement relating to adequate notice and support of the requisite number of members for granting leave to motion the motion, are necessary checks against the possible misuse of the well-established right of the Opposition to topple the Government by means of a no-confidence motion. On the other hand, when the Chief Minister or a member of the Council of Ministers seeks a Vote of Confidence, insistence on the evidence of support of twenty members for granting leave to move the mo ion, is obviously an absurd proposition. The requisite period of three days' notice also does not have much relevance in the context of a Motion of Confidence. It would seem that the decision regarding the exact date of commencement of the discussion on the motion seeking confidence in the Government for which notice has already been given, should be left with the Chief Minister who has shown a readiness to submit himself for a Vote of Confidence. However, considering the consequences of an adverse verdict on a motion seeking Vote of Confidence in the Council of Ministers, it may not be proper for the Government to prolong the perio.. of suspense in governmental administration by unduly delaying the formal discussion on the motion, after giving notice for the same.

In this connection, I also wish to point out another factor which merits due consideration. A single party Government, conscious and confident of support from its members, may be prepared for a discussion on the motion of confidence immediately after getting notice of the same. But it is too much to expect the same degree of readiness and preparedness from a multi-party coalition Government. We have also to take into account the changing concepts which are gaining currency and acceptance in the cabinet form of Government, as adopted and developed in our country. A Government which remains in power not only on the support of the constituent parties represented in the cabinet but also counting on the conditional support and responsive co-operation extended by parties and unattached independents may require a certain period of time to prepare for the debate on a Motion of Confidence, after expressing its willingness to submit' or a vote of Confidence. In particular, the constituent parties and individuals who lend support to the Government without joining the Cabinet, may certainly need time to deliberate upon the various issues confronting them and to crystalise their attitudes toward Government.

Taking into account these aspects of the matter, I think that it is not advisable to insist on the adoption of the relatively rigid requirements laid down in the Rules of Procedure for moving a motion of no-confidence, in the case of a motion seeking Vote of Confidence.

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The Chief Minister or a member of the Council of Ministers or the Leader of the House may at any time give notice of a motion seeking a Vote of Confidence in the Council of Ministers. There is no necessity to ask for leave of the House to move such a motion. The Speaker, shall in consultation with the Leader of the House, declare that the motion will be taken on such day, as he may appoint, and shall allot a day or days for the discussion of the motion. The Speaker shall at the appointed hour on the allotted day, or as the case may be, the last of the allotted days, put the question necessary to determine the discussion of the Assembly on the motion. The Speaker may, if he thinks fit, prescribe a time limit for speeches.

That according to me, will be the procedure regarding the procedure to be adopted for moving of Confidence Motions.

Report of the Committee on Public Undertakings

Shri E. John Jacob: Sir, I on behalf of the Chairman, the Committee on Public Undertakings, present the Fifth Report of the Committee, 1969-70

Mr. Speaker: The Report is presented.

Report of the Special Committee

Shri K. Karunakaran: Sir, I present the Report of the Special Committee.

Mr. Speaker: The Report is presented.

Report of the Public Accounts Committee

Shri K. Karunakaran: Sir, I, Chairman of the Public Accounts Committee present the Fourth Report of the Committee, in 1969-70.

Mr. Speaker: The Report is presented.

Report of the Committee on Subordinate Legislation

Shri J. A. Chacko: Sir, I, Chairman of the Committee on Subordinate Legislation present the first Report of the Committee 1969-70.

Mr. Speaker: The Report is presented.

Motion of Confidence

Mr. Speaker: The Chief Minister may move the Motion of Confidence.

Chief Minister (**Shri C. Achutha Menon**): Sir, I move that this House expresses its confidence in the Council of Ministers headed by Shri C. Achutha Menon.

Education & Home Minister (**Shri C. H. Mohamed Koya**): Sir I second it.

[ശ്രീ. സി. അച്യുതമേനോൻ: സ്പീക്കർ സർ, ഈ മോഷൻ അവതരിപ്പിച്ചുകൊണ്ട് ഇന്നത്തെ ഈ മന്ത്രിസഭയിൽ വിശ്വാസം രേഖപ്പെടുത്തണമെന്ന് ഈ സഭയോടു അഭ്യർത്ഥിക്കാനുള്ള കാരണങ്ങളെസംബന്ധിച്ച് വളരെ ഹൃസ്വമായി ഞാൻ പ്രതിപാദിക്കാൻ ആഗ്രഹിക്കുന്നു. ഈ മന്ത്രിസഭ അധികാരത്തിൽ വന്ന സാഹചര്യങ്ങളും ഈ സഭയ്ക്കു ഓർമ്മയുണ്ട്. 1967—ൽ പൊതുതിരഞ്ഞെടുപ്പു കഴിഞ്ഞ് ഐക്യമുന്നണിയുടെ അടിസ്ഥാനത്തിലുള്ള ഒരു മന്ത്രിസഭ അധികാരത്തിൽ വരികയുണ്ടായി. ആ മന്ത്രിസഭ 1969 ഒക്ടോ

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